

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:10cv30**

**HENRI E. BOSEMAN,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY,**

**Defendant.**

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) **ORDER**  
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**THIS MATTER** is before the Court on the Defendant's Consent

Motion for Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc.

7].

The Defendant, Michael Astrue, Commissioner of Social Security, moves this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment remanding the cause for further administrative proceedings.

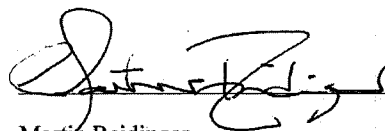
Upon the Court's review of the motion, and after consultation with counsel for the parties, the motion is treated and allowed as a remand under sentence six of 42 U.S.C. §405(g).

**IT IS, THEREFORE, ORDERED** that the Defendant's Consent Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) [Doc. 7] is **GRANTED**. Pursuant to the power of this Court to enter a judgment remanding Social Security actions under sentence six of 42 U.S.C. § 405(g), this Court hereby **REMANDS** this cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). On remand, the Appeals Council will

1. Evaluate the allowance of Plaintiff's subsequently-filed claim to determine whether new and material evidence submitted with Plaintiff's subsequent claim relates to the period at issue in the present claim.
2. If necessary, assign an ALJ to conduct a new hearing;
3. Cause a new decision to be issued.

**IT IS SO ORDERED.**

Signed: May 11, 2010

  
Martin Reidinger  
United States District Judge

